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In re Application of
BAKER, et al.
Application No.: 10/524,677
PCT No.: PCT/AU03/01043
Int. Filing Date: 15 August 2003
Priority Date: 15 August 2002
Atty. Docket No.: PRO101
For: INTERACTIVE PROPERTY TOUR

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The renewed petition to revive under 37 CFR 1.137(b) filed 07 December 2006 in the above-captioned application is hereby **DISMISSED** as follows:

Applicant's presently filed papers do not contain the declaration referenced in the renewed petition. It appears to have been mistakenly left out of the filing. As such, it is not possible to grant applicant's renewed petition at this time. The annotated stamped return postcard accompanies this decision.

Applicant's renewed petition references an additional inventor who was not listed on the published international application. It appears that this inventor was not added during the international phase of the application pursuant to PCT Rule 92bis. A declaration must list and be executed by all of the inventors. Since this additional individual is an actual inventor and was not added pursuant to PCT Rule 92bis; applicant's course of action is to add the inventor in the U.S. National stage pursuant to 37 CFR 1.497(d):

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92bis subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

(1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter); and

(4) Any new oath or declaration required by paragraph (f) of this section.

Therefore, a proper reply would consist of a grantable petition pursuant to 37 CFR 1.497(d) as detailed above; including a properly executed declaration of the inventors.

This application remains abandoned as to the National stage in the United States.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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